

AMENDED IN ASSEMBLY JUNE 24, 2010

AMENDED IN SENATE MARCH 8, 2010

SENATE BILL

No. 945

Introduced by Senator Liu

(Principal coauthor: Assembly Member Jones)

February 3, 2010

An act to add Section 607.5 to the Welfare and Institutions Code, relating to children.

LEGISLATIVE COUNSEL'S DIGEST

SB 945, as amended, Liu. Juvenile court jurisdiction: services and benefits.

Existing law provides that a minor may be adjudged a dependent child or a ward of the juvenile court under specified circumstances. Existing law authorizes the court to place a minor who has been removed from the custody of his or her parent or guardian in foster care, among other placements, as specified. Existing law provides for the termination of the juvenile court jurisdiction when the minor reaches a specified age.

Existing law authorizes the State Department of Social Services to develop statewide standards for the implementation and administration of the Independent Living Program. Existing regulation specifies eligibility requirements for the Independent Living Program, and requires county social workers and probation officers to determine eligibility for the program in conjunction with the preparation of a Transitional Independent Living Plan. Existing regulations require county social workers and probation officers to ensure that foster or probation youth are given appropriate information about the opportunity to participate in the Independent Living Program.

This bill would require a probation officer or parole officer, whenever the juvenile court terminates jurisdiction over a ward, or upon release of a ward from a facility that is not a foster care facility, to provide to the person a written notice stating that the person is a former foster child and may be eligible for the services and benefits that are available to a former foster child through public and private programs, and information that informs the person of the availability of, and assistance to enable the ward to apply for, and gain acceptance into, federal and state programs that provide independent living services and benefits to former foster children for which the person is or may be eligible. The bill would make related findings and declarations.

By imposing additional duties upon probation officers, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) “Dual status” children are children who are simultaneously
- 4 designated as dependents and wards of the juvenile court.
- 5 (b) There are instances where these children remain in juvenile
- 6 justice confinement beyond their sentence because there is no
- 7 available foster care housing or placement for them.
- 8 (c) As a result, dual status children are sometimes released from
- 9 the juvenile justice system instead of the dependency system when
- 10 they age out at 18 years of age.
- 11 (d) In order to prevent dual status children from committing
- 12 criminal offenses as adults and to encourage their academic
- 13 success, it is incumbent upon the Legislature to remove barriers
- 14 that deter achievement.

(e) A significant barrier to the success of former dual status children is that they are often not properly informed of their eligibility for existing independent living programs, coupled with the difficulty of proving that they are former foster children in order to qualify for these programs.

SEC. 2. Section 607.5 is added to the Welfare and Institutions Code, to read:

607.5. (a) Notwithstanding any other provision of law, whenever the juvenile court terminates jurisdiction over a ward, or upon release of a ward from a facility that is not a foster care facility, a probation officer or parole officer shall provide the person with ~~both~~ all of the following:

(1) A written notice stating that the person is a former foster child and may be eligible for the services and benefits that are available to a former foster child through public and private programs, including, but not limited to, any independent living program for former foster children.

~~(2) Information that informs the person of the availability of, and assistance to enable the person to apply for, and gain acceptance into, federal and state programs that provide independent living services and benefits to former foster children, including, but not limited to, financial assistance, housing, and educational resources, for which he or she is or may be eligible. children. Providing the proof of dependency and wardship document required by All-County Letter 07-33 and Chapter 31-236 of Division 31 of the State Department of Social Services Manual of Policies and Procedures, as it exists on January 1, 2010, shall satisfy this requirement.~~

(2) Existing information required by Chapter 31-525.61 of Division 31 of the State Department of Social Services Manual of Policies and Procedures, as it existed on January 1, 2010, that informs the person of the availability of, and assistance to enable the person to apply for, and gain acceptance into, federal and state programs that provide benefits to former foster children, including, but not limited to, financial assistance, housing, and educational resources, for which he or she may be eligible.

(3) Existing information required by Chapter 31-525.61 of Division 31 of the State Department of Social Services Manual of Policies and Procedures, as it existed on January 1, 2010, that informs the person of the availability of, and assistance to enable

1 *the person to apply for; and gain acceptance into, federal and state*
2 *programs that provide independent living services to youth 16*
3 *years of age and over.*

4 (b) This section shall apply to any ward who was previously
5 adjudged a dependent child of the court pursuant to Section 300
6 or a child who at any time has been placed in foster care pursuant
7 to Section 727.

8 (c) *Nothing in this section shall be interpreted to alter or amend*
9 *the obligations of probation officer under current law.*

10 SEC. 3. If the Commission on State Mandates determines that
11 this act contains costs mandated by the state, reimbursement to
12 local agencies and school districts for those costs shall be made
13 pursuant to Part 7 (commencing with Section 17500) of Division
14 4 of Title 2 of the Government Code.